

Appl. No. 08/853,007  
Amtd. Dated Oct. 23, 2003  
Reply to Office action of Jul. 28, 2003

## REMARKS

Claims 1 and 9 presently stand allowed, and claims 1 through 8 and 10 have been cancelled.

Applicants wish to reinstate the portions of claims 1 through 4 and 8 though 10, which relate to transalkylation in accordance with the findings of the Board of Patent Appeals and Interferences of August 29, 2002. The Board determined that an aromatics alkylation process using a catalyst comprising a binder-free molecular sieve was anticipated by U.S. Patent No. 4,992,606. In its determination of allowability of claims 7 and 9, the Board held that alkylation was not inclusive of transalkylation and upheld claims 7 and 9 on that basis.

Applicants respectfully submit that this determination would indicate that the portions of claim 1 related to transalkylation, as well as dependant claims 2 through 4, are also allowable. Claim 9 was upheld by the Board without restriction to a particular transalkylation reaction, and was erroneously amended to depend from amended claim 1 incorporating the restrictions of claim 7. Like Claim 1, claim 10 included both alkylation and transalkylation processes, and Applicants submit that the Board's holding is consistent with patentability of the transalkylation process claim. Applicants therefore wish to reinstate the claims 1 through 4, 9, and 10, amended to remove alkylation processes, as new claims 11 through 16.

For the reasons advanced above, Applicants respectfully submit that all pending claims patentably define Applicants' invention. Entry of this Amendment and allowance of the application is earnestly solicited.

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Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Date: 10/23/03

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